

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

JESSE SAHAGUN,

V. DEFENDANT AND THIRD PARTY PLAINTIFF

MOTION CONCEPTS, L.P. s/h/a IN MOTION
CONCEPTS, LLC,

THIRD PARTY SUMMONS IN A CIVIL ACTION

Case Number: 08 CIV 5052 (SCR)

V. THIRD PARTY DEFENDANT

ACCESSIBLE VANS AND MOBILITY OF NY, LLC,
E-Z LOCK, INC. and BAN PRECISION, INC.

To: Name and address of Third Party Defendant

E-Z Lock, Inc.
2001 Wooddale Avenue
Baton Rouge, Louisiana 70806-1516

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard S. Vecchio, Esq.
Worby Groner Edelman, LLP
11 Martine Avenue, Pnethouse
White Plains, NY 10606
914 686-3700

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Lawrence R. Green, Esq.
Lester Schwab Katz & Dwyer, LLP
120 Broadway
New York, NY 10271
212 964-6611

an answer to the third-party complaint which is served on you with this summons, within twenty (20) days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 30 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action



RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>8/13/2008</u>	
NAME OF SERVER <u>DAGMAR WHITE MORE</u>	TITLE <u>Process Server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served: <u>JAMES ELLIS 451 Florida St #800</u> <u>Baton Rouge, LA 70801</u>		
<input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>8/13/2008</u> <u></u> <div style="display: flex; justify-content: space-between;"> Date Signature of Server </div>		
<u>10355 Cedarlane Ave Baton Rouge, LA 70816</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.